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10 **UNITED STATES DISTRICT COURT**
11 **DISTRICT OF NEVADA**

13 REX LAKE,

14 Plaintiff,

15 v.

16 KILOLO KIJAKAZI,
16 Acting Commissioner of Social Security,

17 Defendant.¹

13 No. 2:21-cv-01089-EJY

14 **UNOPPOSED MOTION FOR EXTENSION
15 OF TIME TO FILE CROSS-MOTION TO
15 AFFIRM AND RESPONSE TO
16 PLAINTIFF'S MOTION FOR REVERSAL
16 AND/OR REMAND**

17 **(FIRST REQUEST)**

19 Defendant, the Commissioner of Social Security (the "Commissioner"), through the
20 undersigned counsel, hereby requests an extension of time to file her Cross-Motion to Affirm and
21 Response to Plaintiff's Motion for Reversal and/or Remand in this case. In support of this
22 request, the Commissioner respectfully states as follows:

23 1. Primary responsibility for handling this case has been delegated to the Office of
24 the Regional Chief Counsel, Region IX, in San Francisco, California (the "Region IX Office").

26 ¹ Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. Pursuant
27 to Rule 25(d) of the Federal Rules of Civil Procedure, Kilolo Kijakazi should be substituted,
therefore, for Andrew Saul as the defendant in this suit. No further action need be taken to
continue this suit by reason of the last sentence of section 205(g) of the Social Security Act, 42
28 U.S.C. § 405(g).

1 2. Defendant's response to Plaintiff's opening brief is currently due December 15,
2 2021. Defendant has not previously requested an extension of time for this deadline.

3 3. The Region IX Office currently handles all district and circuit court litigation
4 involving the Social Security program arising in Arizona, California, Hawai'i, Nevada, and
5 Guam.

6 4. The Region IX Office employs 44 staff attorneys, of whom 30 are actively
7 handling civil litigation involving the Social Security program in the eight assigned jurisdictions.
8 Most of the attorneys who handle program litigation cases have additional responsibilities, such
9 as litigating in other practice areas described below, acting as Jurisdictional leads, reviewing the
10 work product of junior attorneys, conducting trainings, and participating in national workgroups.
11 In addition, because of attorneys taking unexpected leave or resigning, the Region IX Office has
12 had to re-assign dozens of cases and substitute in new counsel who have had to absorb these re-
13 assigned cases into their existing caseloads.

14 5. As of November 15, 2021, the Region IX Office has 365 district court briefs due in
15 the next sixty days in the jurisdictions it handles; at least 285 of these are due in the next thirty
16 days.

17 6. In addition to "program" litigation, the Region IX Office provides a full range of
18 legal services as counsel for the Social Security Administration, in a region that covers four states
19 (including the most populous state in the nation) and three territories. These other workloads
20 include employment litigation; civil rights investigations; bankruptcy matters; and requests for
21 legal advice on wide-ranging topics, including Regional office client requests for advice on
22 program issues, employee conduct and performance, reasonable accommodation, hostile work
23 environment, ethics, Privacy Act and disclosure, and torts. Because of the high volume of
24 program litigation cases, the Region IX Office has had to focus its efforts on processing only
25 other workloads that are subject to statutory, regulatory, and court deadlines.

26 7. In good faith and for good cause, the undersigned attorney "of counsel" requests
27 this extension because she will be on medical leave for surgery starting early next week and she
28 will be off work for at least two weeks and will be unable to complete briefing by the current

1 date.

2 8. Due to the volume of the overall workload within the Region IX Office, neither the
3 undersigned attorneys nor another attorney in the Region IX Office anticipate being able to
4 complete briefing by the current due date of December 15, 2021. Therefore, Defendant seeks an
5 extension of 45 days, until January 29, 2022, to respond to Plaintiff's Motion for Reversal and/or
6 Remand.

7 9. This request is made in good faith and is not intended to delay the proceedings in
8 this matter.

9 9. On December 10, 2021, counsel for Defendant conferred with Plaintiff's counsel,
10 who has no opposition to this motion.

11 WHEREFORE, Defendant requests until January 29, 2022, to respond to Plaintiff's
12 Motion for Reversal and/or Remand.

13 Dated: December 11, 2021

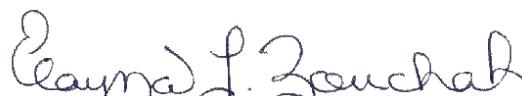
14 Respectfully submitted,

15 CHRISTOPHER CHIOU
16 Acting United States Attorney

17 */s/ Daniel P. Talbert*
18 DANIEL P. TALBERT
19 Special Assistant United States Attorney
20 Social Security Administration

21 KRYSTLE S. McMULLAN
22 Assistant Regional Counsel
23 Of Counsel

24 IT IS SO ORDERED:

25 
26 _____
27 HON. ELAYNA J. YOUCRAH
28 UNITED STATES MAGISTRATE JUDGE

29 DATED: December 13, 2021